

### **REMARKS/ARGUMENTS**

These remarks are submitted in response to the Office Action dated August 26, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

The Applicants respectfully direct the Examiner to the Preliminary Amendment filed by Applicants on June 10, 2008. As noted in MPEP § 714.01(e), a preliminary amendment is an amendment that is received in the Office on or before the mail date of the first Office Action. Since the Preliminary Amendment was filed on June 10, 2008, which is before the mail date of August 26, 2008 for the first Office Action, the Applicants believe the amendment meets the required criteria of MPEP § 714.01(e) and the Office Action should have addressed the claims therein. Applicants will direct the following remarks and arguments in response to the objections and rejections of the Office Action as they apply to the currently pending claims as provided in part in Applicants' Preliminary Amendment.

Of note, Applicants have amended Claim 1 and cancelled claims 11 and 12. However, Applicants are not conceding that the cancelled claims fail to present patentable subject matter. The cancellations are solely for the purpose of expediting prosecution. Accordingly, the cancellations should not be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the original version of any of the cancelled claims in any future divisional or continuation applications from the present applications.

In the Office Action, Claim 12 was objected to under 37 CFR 1.75 (c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Although Applicants respectfully disagree with the objection as applied to previously presented Claim 12, Applicants have cancelled Claim 12 in the interest of expediting prosecution. Additionally, the Specification was objected to for an informality. Appropriate correction has been made to the Specification.

**Claim Rejections – 35 USC § 101**

Claim 12 was rejected under 35 U.S.C. § 101. It was asserted that the claim is directed to different statutory classes, specifically, a product and methods. Although Applicants respectfully disagree with the Examiner's rejection as applied to Claim 12 as presented in Applicants' Preliminary Amendment, Applicants have cancelled Claim 12 in the interest of expediting prosecution.

**Claim Rejections – 35 USC § 112**

Claims 1-12 were rejected under 35 U.S.C. § 112, first paragraph. The Office Action states:

"the specification does not reasonably provide enablement for child module, base store module, entry link and exit link. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to avoid infringement. The claims refer to modules and ports, while the disclosures refer to component, subcomponent, base store site module, entry ports, exit ports, entry links and exit links. Applicant attempts to connect the various terms in paragraphs 0170-0174. In other places, subcomponents appear to include other subcomponents, as in paragraph 0164 and Fig. 4.

This rejection is moot as to claims 2-12 which have been cancelled. Applicants further submit that Claim 1 is adequately supported by the specification.

The requirements of 35 U.S.C. 112, first paragraph of an adequate written description of the invention require that the application convey with reasonable clarity to those of ordinary skill in the art that the applicants were in possession of the subject matter of the claims. *Union Oil Co. of California v. Atlantic Richfield Co.*, 208 F.3d 989, 54 USPQ2d 1227 (Fed. Cir. 2000), cert. denied 531 U.S. 1183 (2001). Literal support in the specification for the claim language is not required. *Chiron Corp. v. Genentech, Inc.*,

363 F.3d 1247, 70 USPQ 2d 1321 (Fed. Cir. 2004), cert denied 543 U.S. 1050 (2005). Applicants submit that there is sufficient disclosure in the specification to convey to enable the subject matter, even if the literal language of the specification is not verbatim in the claim.

The specification enables the features of child module, base store module, entry link, and exit link by providing full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use these claimed features. The disclosure uses the terms "component," "subcomponent," "entry link," and "exit link" when describing elements of site architectures and navigation. (paragraphs [0161]-[0174])

Notably the terms "component" and "subcomponent" are commonly used terms for describing a site architecture. (See paragraph [0161]) Additionally, the concepts of "component" and "subcomponent," as they relate to describing site architecture, can be seen as analogous, if not identical, to the software concepts of base store site module and child module respectively. Furthermore, the terms "entry link" and "exit link" are used as component terminology for showing connections and are not necessary when describing the links between a base store site module and one or more child modules when the term "link" and its accompanying conjugations can be used in place of the terms "entry link" and "exit link". As an example, the specification states:

"a base store site module having at least one entry port for communication with the internet; and, at least one child module of the base store site module having an entry port; the entry port of the base store site module being linked to the entry port of the child module for communication between the base store site and child module." (paragraph [0028])

One of ordinary skill in the art would appreciate that, in the above non-limiting example, the linking between the entry port of the base store site module and the entry port of the child module is analogous to an "entry link" as used when describing site architecture. Also, one of ordinary skill in the art would further appreciate that, in the non-limiting example described in the specification, a link between a base store site

module and a child module can be much like the links/connections between a software program and its accompanying subroutines or a website home page and its internal web pages. The use of entry ports and exit ports for the modules in Claim 1 further distinguishes the Applicants' invention. Accordingly, the specification provides enablement for one skilled in the art.

Claim 12 was rejected under 35 U.S.C. § 112, second paragraph. Applicants respectfully disagree with the rejection of Claim 12 as it appears in the Preliminary Amendment, however, Applicants have cancelled Claim 12 in the interest of expediting prosecution.

Claims 1-12 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is moot as to claims 2-12 which are cancelled, and with regard to Claim 1 Applicants respectfully direct the Examiner to Applicants' arguments above.

#### **Claim Rejections – 35 USC §103**

Claims 1-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Non-Patent Literature. "Using Themes and Shared Borders in Microsoft FrontPage 2000, *FrontPage*, published June 1999. The Office Action concedes that *FrontPage* does not describe its navigation techniques using modules or ports, but asserts that it would have been obvious to modify *FrontPage* with these features. Applicants respectfully disagree with the rejections as they apply to currently amended Claim 1.

*FrontPage* indicates that its particular system, including techniques for navigation and presenting same, was "a direct result of customer feedback—users wanted to be able to produce conservative and professional-looking websites." (*FrontPage*, page 2). However, Applicants direct their claimed features "to present a methodology and notation

for describing and building a site architecture for an e-commerce Web site." (paragraph [0024]). The Office Action points to *FrontPage* as including "a discussion of navigation view and hierarchy that represents the relationships between child and base web pages in as site on the Internet." (page 5) Specifically *FrontPage* states:

"In the Navigation View pane, you can design the navigational system for your site by creating a visual hierarchy that represents the relationships between the pages. Simply click and drag files from the Folder List to the area below the Home Page, and then place pages underneath those pages to set up how the pages should link to another." (page 5).

However, *FrontPage* does not disclose utilizing entry ports and exit ports when creating connections between a base store site module and a child module or between child modules. *FrontPage* does not teach at least one entry port of a child module being linked to at least one entry port of a base module. *FrontPage* merely shows the hierarchy of web pages from a top down view as opposed utilizing entry ports and exit ports to establish links between various modules. (*Frontpage*, page 5). Additionally, the prior art fails to disclose a base store site module that has at least one entry port and at least one exit port. The prior art further fails to disclose a child module having a plurality of exit ports, and at least some of the exit ports being linked to one exit port of a base store site module.

The Office Action states that *Frontpage's* "buy now" button discloses at least one child module comprising at least one among a store front module, a shopping module, a customer service module, an information module, and an auction module. However, "buy now" is merely a navigational button and *Frontpage* does not teach of using the aforementioned modules in its characterization of the "buy now" button. As *FrontPage* does not teach using entry ports, exit ports, and modules, and also describes with particularity its own system's configuration and the intent to address customer feedback, it would not have been obvious to one of ordinary skill in the art at the time of *FrontPage* to have included entry ports, exit ports, and modules, particularly as they apply to describing a site architecture. Notably, Applicants' invention is not limited to illustrating

a hierarchy as described in *FrontPage* and does not teach the use of entry ports and exit ports as portrayed in Applicants' invention. Consequently, Applicants' invention would not have been obvious to one of ordinary skill in the art.

### CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: October 7, 2008

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